

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Keiichi KITAHARA et al.

Serial No.: 10/594,255

Int'l Appl'n No.: PCT/JP2005/005483

Filed: September 25, 2006

Int'l Appl'n Filing Date: 25 March 2005

For: SURFACE PROTECTION SHEET

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. §1.137(b)**

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b).

A Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated June 7, 2007 was issued by the United States Patent and Trademark Office (PTO) in connection with this application. A copy of the June 7, 2007 Notification of Missing Requirements is attached hereto as **Exhibit A**. The June 7, 2007 Notification of Missing Requirements required an oath/declaration indicating the citizenship of all co-inventors. More specifically, the citizenship for second co-inventor, Masato SAITO, was unintentionally left blank on the Declaration originally submitted with this application on September 25, 2006. Applicant responded to the June 7, 2007 Notification of Missing Requirements on August 7, 2008. Applicant's August 7, 2008 Response included an Application Data Sheet indicating the citizenship of all co-inventors.

A Decision dated October 31, 2007 was then issued by the PTO. A copy of the October 31, 2007 Decision is attached hereto as **Exhibit B**. The Decision stated that Applicant's August

7, 2008 Response to a Notification of Missing Requirements mailed June 7, 2007 was not sufficient to satisfy the requirements of the June 7, 2007 Notification of Missing Requirements. The October 31, 2007 Decision set forth a time period for a proper response of one month from the date of the October 31, 2007 Decision (i.e. November 31, 2007), or any time remaining for a response to the June 7, 2007 Notification of Missing Requirements, whichever was longer.

A response to the October 31, 2007 Decision, through an inadvertent error, was not filed by the November 31, 2007 due date.

This unintentional abandonment was brought to the attention of the undersigned by a Notification of Abandonment mailed by the PTO on July 10, 2008. A copy of the July 10, 2008 Notification is attached hereto as **Exhibit C**. As a result of the July 10, 2008 Notification of Abandonment, the undersigned investigated and discovered that a response to the October 31, 2007 Decision was inadvertently not filed.

Since this Petition under 37 C.F.R. §1.137(b) is being submitted within two months of the July 10, 2008 date of the Notification of Abandonment, the Petition is being timely filed.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

This Petition is being submitted concurrently with a Communication Forwarding Supplemental Declaration including a copy of the originally filed Declaration further indicating the citizenship of second co-inventor, Masato SAITO, dated and signed by the second co-inventor, in response to the October 31, 2007 Decision. A copy of the Communication Forwarding Supplemental Declaration including a copy of the originally filed Declaration further

indicating the citizenship of second co-inventor, Masato SAITO, is attached hereto as **Exhibit D**. Accordingly, it is believed that the required reply is being submitted herewith.

The fee for a Petition under 37 C.F.R. §1.137(b) as set forth in 37 C.F.R. §1.17(m) is \$1,540.00 and authorization is hereby given to charge the amount of this Petition fee to Deposit Account No. 03-3125.

The entire delay in filing the required reply, i.e. response to the October 31, 2007 Decision, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

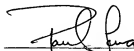
Because this application was filed after June 8, 1995, 37 C.F.R. §1.137(c) does not require any terminal disclaimer to be filed.

In view of the foregoing, Applicant earnestly solicits an expeditious revival of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

If any additional fee is required in connection with the filing of this Petition, the Patent Office is hereby authorized to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

Date: August 18, 2008